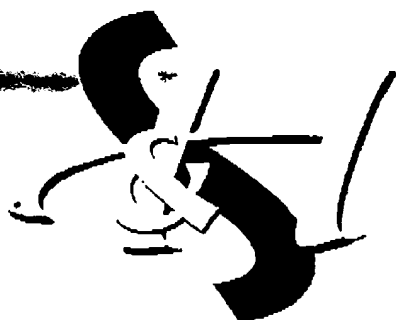


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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	James A. Menefee, Art Unit: 2828	Client:	1372.09.PRWOUS
Fax:	(571) 273-8300	Pages:	14 including coversheet
Phone:	(571) 272-1944	Date:	February 6, 2006
Re:	USPN: 10/604,193	CC:	University of South Florida (Assignee)

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Dear Examiner Menefee:

In response to the non-final office action mailed November 17, 2005, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated February 6, 2006 (2 pages);
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated February 6, 2006 (10 pages); and
- 3) One (1) sheet of replacement drawings.

Very respectfully,

Ronald E. Smith  
USPTO Reg. No. 28,761

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**FEB 06 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/604,193 Confirmation No.  
Applicant: : Dennis K. Killinger 1192  
Filed: : 06/30/2003  
TC/A.U. : 2828  
Examiner : James A. Menefee

Docket No. : 1372.09 PRWOUS  
Customer No. : 21901  
For : Open-Path Laser/Optical Communication Systems and Methods  
Utilizing Wavelengths Between Atmospheric and Gaseous  
Absorption Lines

Transmitted to Central Fax at (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is an independent inventor.

**EXTENSION OF TERM**

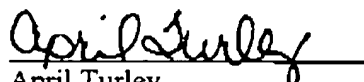
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

---

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims, Amendments to the Drawings and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Central Fax, Attn: Mr. James A. Menefee, (571) 273-8300 on February 6, 2006.

Dated: February 6, 2006

  
April Turley

(Amendment Transmittal - Page 1 of 2)

FEB 06 2006

**FEE FOR CLAIMS**

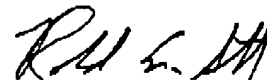
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	5	Minus	20	= 0	x \$25 =	\$0
Indep.	2	Minus	6	= 0	x \$100 =	\$0
First Presentation of Multiple Dependent Claim					+ \$180 =	\$0
Total					Addit. Fee	\$0

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



**SIGNATURE OF PRACTITIONER**

Reg. No. 28,761  
Tel. No.: (727) 507-8558

Ronald E. Smith  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760

(Amendment Transmittal - Page 2 of 2)

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Absorption Lines

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Mail Stop Non-Fee Amendment  
Hon. Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT A

Introductory Comments

Sir:

In response to the non-final Examiner's Action mailed 11/17/2005, having a shortened statutory period for response set to expire 02/17/2006, the above-identified patent application is amended a first time as follows:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Amendments to the Drawing Figures** are attached to page 4 of this paper and include Replacement Sheets.

**Remarks** begin on page 5 of this paper.